

EEOC Form 5 (11/09)

Elkhart Superior Court 3

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div>470-2018-01803</div> </div>	
Indiana Civil Rights Commission and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Mrs. Ericka D Davis		Home Phone (765) 278-7123	
Street Address City, State and ZIP Code 28612 illinois st, ELKHART, IN 46516			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name THOR MOTOR COACH		No. Employees, Members Phone No. 501+ (800) 860-5658	
Street Address City, State and ZIP Code 606 Nelson's Pkwy., WAKARUSA, IN 46573			
Name		No. Employees, Members Phone No.	
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate boxes.) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>			DATE(S) DISCRIMINATION TOOK PLACE: Earliest Latest 03-01-2018 05-11-2018 <input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I was hired by Thor Motor Coach in 2016 into the Wire Harness department. My most recent position was in Audit Bay, and my immediate supervisor was Rick Shaw.</p> <p>On January 29, 2018 I was transferred to Plant 850. While there, I was mistreated by Brenda (LNU), Rick Shaw and Chris Bowers. I attempted to report it to James DeMaro and in doing so I was threatened. I was then treated worse and every time I tried to stand up for myself or report to the HR department my complaints were overlooked and swept under the rug. I was eventually told that my complaints were being dismissed because the investigation showed that Brenda was just doing her job. There was no mention of the others I had reported. Brianna Dills, Alicia Lent and Belinda McGee Whitener all witnessed the way I was treated.</p> <p>Before being sent to Audit Bay, I feel as though I was moved so that I would not be seen or heard. I was moved within the hour after my first attempt to report what was happening to Lara in HR. I was treated horribly while on diesel line with Brenda, I was put in a unit alone and parked outside to clean it by Rick. I was also being made to leave HR in the middle of trying to make a report, Rick burst into Lara's office and made me leave the office demanding that I go do a job that was very hard using a harsh chemical that I had been doing all morning myself and Belinda while the others pushed around brooms until a unit was ready. All</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally signed by Ericka Davis on 06-19-2018 08:01 PM EDT		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

 EXHIBIT
 A

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

470-2018-01803

Indiana Civil Rights Commission

and EEOC

State or local Agency, if any

I asked was if we could switch spots with the others for a little while to get a break from breathing in the thinner but instead I was talked to very disrespectful and told 'This is what I need you to do can you do it or not!' Brenda purposely treated me as if I were not good enough to be in her presence. She sent me and Belinda to a unit alone DAILY to clean and then yelled at us when we were taking too long and if we didn't do something correctly knowing that we were both new at the job and were NEVER properly trained to do the job correctly while the other girls piled into a different unit to clean when someone could have helped us only to be threatened daily about being replaced if we kept making mistakes and to be referred to one day as 'coco people' again. When I started to complain I was thrown into audit bay where still Brenda made her way there to do more picking. As for Chris Bowers his antics started when I was moved to audit bay the first day was fine he took me in a unit and told me what was expected no problem he came back to check and everything was fine then Brenda came and started calling out other things she wanted done. Mind you nobody else that has worked in audit bay ever had to do any of this when I told her that's not what Chris told me to she blew up and went to have a conversation with Chris when Chris returned he was a totally different person this time he was mean screaming at me that the unit was horrible and he hopes I didn't consider it clean. I was totally confused because I cleaned the unit EXACTLY as asked.

I quit March 6th 2018 due to being mistreated by Brenda, Rick Shaw, Chris Bowers, I tried reporting what was happening to James DeMaro and in doing so I was threatened I was discriminated against over and over and I was treated worse each and every time I tried to stand up for myself or report these actions to the HR department. My complaint was overlooked and swept under the rug and I was told my complaint was dismissed because their investigation showed that Brenda was just doing her job no mention of any of the other people in my complaint they all stuck together and covered what really happened their are witness who are afraid to speak Brianna Dills Alicia Lent these girls talk to me personally and told me several times that they saw what was happening at one time both said they would write a statement then they changed their minds as if they were afraid. Bolinda McGee Whitener is willing to explain and tell her side if need be also I took pictures of what I did before and after because I was continuously picked on for not doing my job also the guys in audit bay told me personally that Brenda or Chris never came to audit bay saying anything to the girls that were there before myself and Belinda but were there daily with something different to say and complain about starting the day I was moved there it was also said that the work myself and Belinda did in audit bay was more then any other person who did pre clean and nobody ever complained about it

I believe that I was discriminated and retaliated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Digitally signed by Ericka Davis on 06-19-2018 08:01 PM EDT

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 151 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Ericka D. Davis
28612 Illinois St.
Elkhart, IN 46516

From: Indianapolis District Office
101 West Ohio St
Suite 1900
Indianapolis, IN 46204

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

470-2018-01803

Michelle D. Ware,
Enforcement Supervisor

(317) 226-5161

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

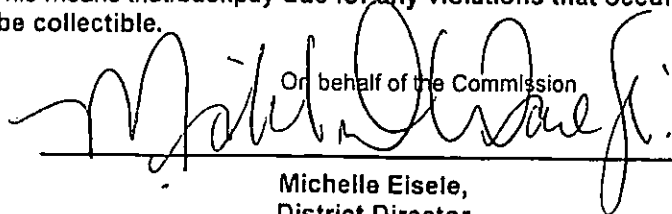
Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

Michelle Eisele,
District Director

JUL 19 2018

Enclosures(s)

(Date Mailed)

cc: Laurie Keyser, Human Resources Director
THOR MOTOR COACH
701 County Road 15
Elkhart, IN 46516

EXHIBIT

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